IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

C.R.No. 1862 of 2006
Date of decision : 25.9.2006.

M/s Hisar Conduit Pipe Factory and Anr.

.....Petitioners.

Versus

M/s Khera Auto (P) Ltd.

.....Respondent.

CORAM : HON'BLE MR. JUSTICE VINOD K. SHARMA

Present : Mr. Pratap Shanker, Advocate
for the petitioners.

Ms. Sushma Chopra, Advocate
for the respondent.

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VINOD K. SHARMA,J.(ORAL)

The present revision petition has been filed against the order dated 28.1.2005 passed by learned Addl. Civil Judge (Jr.Divn.), Nakodar, Jallandhar vide which the defence of the petitioner has been struck off by refusing to take written statement on record.

The petitioner had filed the written statement which was taken on record. Subsequently on an application for striking off the defence of the defendant-petitioner moved by the respondent-plaintiff, defence of the petitioner was struck off for non-filing the written statement within the stipulated period of 90 days. Provisions of Order 8 Rule 1 C.P.C. are not mandatory. The present petitioner has already filed the written statement after the stipulated period.

For the reasons stated above, the impugned order is set aside and the revision petition is allowed subject to payment of Rs.3000/-as costs. On payment of costs, written statement would be taken on record and the matter would be proceeded with in accordance with law.

September 25,2006 **(VINOD K. SHARMA)**
'sp' **JUDGE**